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EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT PAPER NUMBER

2132

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,143

Applicant(s)

GLADNEY, HENRY M.

Examiner

Abdulahkim Nobahar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

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## **DETAILED ACTION**

### ***Claim Objections***

**Claims 1-30 are objected to** because of the following informalities: The use of parentheses in claim numbering is not correct and instead of parentheses, points should be used, such as 1., 2., 3., and so on. Also, parentheses should not be used in dependent claim to refer to another claim. For example, claim 2 should recite as "The method of claim 1, wherein..."

**Claim 1 is objected to** because of the following informalities: This claim recites "...and the whole is sealed by cryptographic message authentication". The phrase "the whole" does not clarify what it refers to.

**Claims 3, 13 and 23 are objected to** under 37 CFR 1.75(c), as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim 3 recites "The method of claim (1), wherein a public key associated with the claim (2) private key..." which is an unacceptable multiple dependent claim wording. This claim may be written as "The method of claim 2, wherein the public key associated with the private key..."

Claims 13 and 23 also recite unacceptable multiple dependent claim wording similar to claim 3, which need to be corrected.

**Claim 3 is objected to** because of the following informalities: This claim recites "...by an institution other than that to which the keys alluded to in claim (2) belong, with..." which may be written in the form of "...by an institution other than that to which the keys belong, with..."

Claims 13 and 23 also recite statements similar to claim 3, which need to be corrected.

**Claims 4, 5, 14 and 15 are objected to** because of the following informalities: These claims recite "The method of claim (1), including within the package..." which is improper. These claims may be corrected to recite "The method of claim 1, wherein the package includes..."

**Claims 6, 16 and 26 are objected to** because of the following informalities: The wording of these claims is vague and it is not clear whether both object and package are having identifiers. The independent claims 1, 11 and 21 describe that only the package object has an identifier.

**Claim 9 is objected to** because of the following informalities: This claim recites "...that is simple enough for complete specification..." which is an unclear statement.

**Claim 24 is objected to** because of the following informalities: This claim recites "...including the package recording a link..." which is an unclear statement.

**Claim 25 is objected to** because of the following informalities: This claim recites "The article of manufacture of claim (21), including within the package..." which is improper. This claim may be corrected to recite "The article of manufacture of claim 21, wherein the package includes..."

Appropriate corrections in all of the above cases are required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

**Claims 1, 7, 11, 17, 21 and 27** are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claims are narrative in form and replete with indefinite and functional or operational language. The elements, which contributes to the make up of a method, system or an article of manufacture must be clearly and positively specified. The

elements must be organized and correlated in such a manner as to present a complete operative system or a method. Note the format of the claims in the patents cited.

**Claim 6 and 16** recite the limitation "in the new package Z" in line 1. There is insufficient antecedent basis for this limitation in the claim.

**Claim 24** recites the limitation "the package recording" in line 1. There is insufficient antecedent basis for this limitation in the claim.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1, 7, 11, 17, 21 and 27** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims describe a package containing information and the sealing of the package can be implemented with a means other than an automated computing machine. Furthermore, these claims are not directed to a method means, a functioning system or a product to be computer implemented. Thus, this is a non-statutory claimed invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 and are rejected under 35 U.S.C. 102(e) as being anticipated by Gruse et al (6,398,245 B1; hereinafter Gruse).**

Regarding claims 1, 11 and 21, Gruse disclosing:

A method for packaging information objects (see, for example, col. 12, lines 45-61) wherein the package includes an identifier of the package object itself (see, for example, col. 13, lines 10-17; col. 20, lines 57-67) and the whole is sealed by cryptographic message authentication (see, for example, col. 10, lines 50-65; col. 17, lines 6-17; col. 17, lines 28-41).

Regarding claims 2, 12 and 22, Gruse disclosing:

The method of claim (1), wherein the private key portion of a public/private key pair used for sealing (see, for example, col. 17, lines 1-17) is protected by use only in subsystems disconnected from networks and, optionally, is frequently replaced (see, for example, col. 10, line 61-col. 11, line 10; col. 11, lines 45-50; col. 17, lines 42-51; col. 76, lines 18-27).

Regarding claims 3, 13 and 23, Gruse disclosing:

The method of claim (1), wherein a public key associated with the claim (2) private key is published and optionally endorsed by a certificate signed by an institution other than that to which the keys alluded to in claim (2) belong, with this endorsing institution having a business dependency on its reputation for care, know-how, and integrity (see, for example, col. 17, line 65-col. 18, line 8; col. 19, lines 38-44; col. 26, lines 10-17).

Regarding claims 4, 14 and 24, Gruse disclosing:

The method of claim (1), including within the package a record describing a link between two information objects by referencing their identifiers or indices (see, for example, col. 71, lines 20-30; col. 68, lines 18-35; col. 76, lines 60-67).

Regarding claims 5, 15 and 25, Gruse disclosing:

The method of claim (1), including within the package metadata recording a value that binds an external object defining a well-known ontology to an included payload element or link (see, for example, col. 12, line 58-col. 13, line 20; col. 20, line 63-col. 21, line 40).

Regarding claims 6, 16 and 26, Gruse disclosing:

The method of claim (1), wherein an information object X included in the new package Z is itself packaged as described in claim (1) and wherein the identifier of Z alluded to in claim (1) has the same value as the identifier of X (see, for example, col. 21, lines 46-51; col. 28, lines 43-53).

Regarding claims 7, 17 and 27, Gruse disclosing:

A method for packaging an information object (see, fort example, col. 12, lines 45-61) with metadata not otherwise provided, where such metadata includes software or instructions for interpretation of the information object, or alternatively contains a reference to a durable external deposit of such software or instructions (see, for

example, col. 4, lines 24-28; col. 10, lines 5-15; col. 20, lines 43-67; col. 21, lines 37-43; col. 31, lines 7-14).

Regarding claims 8, 18 and 28, Gruse disclosing:

The method of claim (7), wherein the information object and the information enabling its interpretation are bound together by a cryptographic message authentication code (see, for example, col. 11, lines 12-20; col. 17, lines 28-40; col. 17, line 65-col. 18, line 7; col. 25, lines 58-64).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9, 19 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse et al (6,398,245 B1; hereinafter Gruse) in view of Lorie (6,691,309 B1).**

Regarding claims 9, 19 and 29, Gruse disclosing:

The method of claim (7), wherein the software for interpretation is encoded with an instruction set (see, for example, col. 10, lines 5-15; col. 20, lines 43-67; col. 21, lines 37-43). However, Gruse does not expressly disclose that the software for interpretation is encoded with the instruction set of a machine, called a Universal Virtual Computer (UVC), that is simple enough for complete specification so that it can be emulated without error or omission by any sufficiently skilled third party who has the specification of this UVC.

Lorie teaches a method for long term archiving of digital information ((see, for example, abstract). Lorie further discloses that the archiving of information for later use is based on using virtual computer instruction set that is saved along with the archived information (se, for example, col. 5, lines 36-54). Lorie discloses that the originator that archive the information would provide a Universal Virtual Computer (UVC) description of the machine and each instruction would be mapped into a small program of UVC instructions. The future users of the archived information would use software provided by the manufacturer of new architecture to execute the archived UVC instructions.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a UVC instruction set as taught in Lorie in the Gruse's metadata of package information because it would enable the future users to retrieve the archived information (Lorie, col. 5, lines 17-23).

Regarding claims 10, 20 and 30, Lorie disclosing:

The method of claim (7), wherein the software and instructions alluded to implement well-known methods that are made reliably interpretable by their schema being standardized and identified by or included in the package (se, for example, col. 4, lines 35-43; col. 6, lines 20-30; col. 9, line 61-col. 10, line 7; col. 10, lines 55-65; col. 12, lines 4-12).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 20020029350 A1 to Cooper et al.

US Patent No. 6609200 B2 to Anderson et al.

US Patent No. 20020010679 A1 to Felsher.

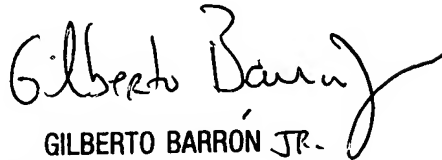
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulhakim Nobahar  
Examiner  
Art Unit 2132 *a.n*

October 14, 2005

  
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